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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,288	04/07/2000	Stephane Ayala	032326-057	1602

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

NOTIFICATION DATE	DELIVERY MODE
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03/11/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/545,288	<b>Applicant(s)</b> AYALA ET AL.	
	<b>Examiner</b> Minh Trinh	<b>Art Unit</b> 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-24,27 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) 6-12,29 and 47-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 4,13 and 21-24 is/are objected to.
- 8) ☒ Claim(s) 47-53 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/15/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on or about has been considered but is ineffective to overcome the prior art references for reasons of record. Further, regarding to claims 47-53, these claims are held to be nonelected for reasons set forth in the advisory dated 2/19/09. Note that it is clearly that the subject matters of as recited in claims 47-53 are not recited in the originally rejected claims and the Office generally does not permit shift of elected subject matter (see section 819 of the MPEP). It is suggested that claims 47-53 should be cancelled or taken an appropriate action.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-2 and 14, 15-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the specification discloses the insulating bridge 13 ( page 7, lines 3-6) for connecting antenna ends to connecting pads but fail to disclose whether the antenna ends and the pads to be electrically connected.

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4. Claims 1-2, 14 and 15-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not known whether or not the antenna ends can be electrically connected to its associated pad by a bridge since a bridge is being the insulating bridge (see claim 1, lines 6-8).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Mc Donough et al (5920290). This rejection is set forth in the prior Action, paragraph 5.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fidalgo (5,598,032) in view of Dononough et al. This rejection is set forth in prior Action, paragraph 6.

7. Claims 14 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dononough et al or Fidalgo /Dononough et al as modified above. This rejection is set forth in prior Action, paragraph 7.

### ***Response to Arguments***

8. Applicant's amendment filed on 11/4/09 have been fully considered and made of record however, such amendment do not overcome the following rejections:

The 112, the rejection:

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The 112, the rejection under 112 first and second remain finally rejected for above reasons. Further, applicants argue that “in fourth paragraph on page six of the specification states that the “insulating bridge 13 is produced by covering the turns of antenna 11 with an insulating layer 14 in a zone Z, then by depositing a conductive element 15 on this insulating layer 14, the conductive element 15 allow[s] the end of one turn..., to be connected to one of the connection pads 12 of the antenna.” Applicants respectfully submit that it was notoriously well-known to an ordinarily skilled artisan at the time of the invention that conductors are capable of conducting electricity”. This is not found to be persuasive because the specification does not clearly describe that the end antenna and the pad being electrically connected .

Regarding prior art:

9. The prior art rejections remain finally rejected for same reasons of record. Note that claims as best understood are still rejected by the prior art because applicant arguments regarding to the subject matter of claims where “electrically connecting at least one of the ends of the antenna to a respective one of said connection pads by means of a bridge disposed on a surface of said turns that is away from said support sheet” do not describe in the specification. At best the disclosure discloses a conductive element 15 electrically connected the end of one turn..., to be connected to one of the connection pads 12 of the antenna” rather than the antenna end electrically connected to the pads as recited in the claims. Therefore, the rejection remains finally rejected as reason of record.

Note In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., electrically connected the end of one turn to the pads appear to be incorrect because the conductive element was used to electrically connect the end to the pads) are not fully recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. Applicant's arguments do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

11. Claims 4, 13 and 21- 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 45-46 are allowed

13. Further, claims 47-53 have not been entered because the subject matter recited in these claims are restricted from the originally filed claims (as indicated in the Advisory dated 2/19/09). A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### **Interviews After Final**

14. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

### ***Conclusion***

15. It is noted that any amendment made to the disclosure and the claims. Applicant requires to point out the support provide numeral references to the claimed limitations as well as support in the disclosure (i.e., page and line numbers and reference number associated with from the drawings) for better clarity (See 37CFR 1.111 and section 2163.06 of the MPEP).

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh Trinh/  
Primary Examiner, Art Unit 3729

mt  
2/27/10